

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SERAFIN ARECHE	§	
v.	§	CIVIL ACTION NO. 6:07cv154
ALEX SCHARFF	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON ORDER DENYING *IN FORMA PAUPERIS* STATUS

The Plaintiff Serafin Areche, proceeding *pro se*, filed this civil action in the form of an application for the writ of habeas corpus complaining of the legality of his confinement. The case has been referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On April 24, 2007, the Magistrate Judge issued a Report recommending that Areche's motion for leave to proceed *in forma pauperis* be denied and that Areche be required to pay the full filing fee of \$5.00. Areche received a copy of this Report on May 9, 2007, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Petitioner's motion for leave to proceed *in forma pauperis* (docket no. 2) is hereby DENIED. It is further

ORDERED that the Petitioner shall have 30 days from the date of receipt of this order in which to pay the habeas corpus filing fee of \$5.00. Should Areche fail to do so, his petition may be dismissed for failure to prosecute or to obey an order of the Court.

So ORDERED and SIGNED this 15th day of June, 2007.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**